

## **REMARKS**

The Official Action dated 21 October 2004 has been carefully considered, along with cited references, applicable sections of the Patent Act, Patent Rules, the Manual of Patent Examining Procedure and relevant decisional law.

Figure 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.

In response, the legend --Prior Art-- has been designated in Figure 9, according to the Examiner's suggestions.

Claims 4 and 7 are objected to because of the following informalities: "could be..." recited in claim 4, line 3 and in claim 7, line 2 are not positive recitations.

In response, claims 4 and 7 have been amended accordingly.

Claims 1-3 are rejected under 35 U.S.C. § 102(a) as being anticipated by LeMieux et al (US 6,555,801).

Claims 1-3 are rejected under 35 U.S.C. § 102(a) as being anticipated by Pisarey (US 2,182,820).

Claims 4 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over LeMieux et al (US 6,555,801) in view of Herbenar (US 2,604,419).

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over LeMieux et al (US 6,555,801) in view of Herbenar (US 2,604,419), and further in view of Ogasawara et al (US 2004/0004071).

However, the Examiner has kindly indicated that claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if written in independent form including all of

the limitations of the base claim and any intervening claims.

In response, claim 1 which has been rejected in view of the art has been cancelled, so that it is unnecessary to discuss the grounds of rejection specific thereto.

Claim 5 which is indicated to be allowable has been deleted, and has been included into claim 2. Claim 4 to which claim 5 is dependent thereon has also been deleted and has also been included into claim 2.

Claims 3 and 7 are dependent on the amended claim 2.

Claim 6 has been amended to be dependent on the amended claim 2.

Accordingly, claims 2-3 and 6-7 would appear to be allowable, and early issuance of a Notice of Allowance is accordingly most respectfully solicited.

Courtesy and cooperation of Examiner VAN are appreciated.

respectfully submitted,

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## CERTIFICATE OF MAILING

I hereby certify that this AMENDMENT is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

CHARLES E. BAXLEY

Attorney's Name

*Charles E. Baxley*

Signature

January 11, 2005

Date

Attorney Docket: 13971 B

**IN THE DRAWINGS**

In Figure 9, please designate a legend --Prior Art--.